

1 MCGREGOR W. SCOTT
United States Attorney
2 COURTNEY J. LINN
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700

5
6
7
8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 APPROXIMATELY \$13,400.00 IN U.S.
14 CURRENCY,

15 Defendant.

16
17 MICHELE JOANNA HILLIARD AND
DANIEL LLOYD HILLIARD,

18 Potential Claimants.

CIV-S-04-2610 GEB JFM

FINAL JUDGMENT OF
FORFEITURE

19
20 Pursuant to the Stipulation for Final Judgment of Forfeiture, the
21 Court finds:

22 1. This is a civil forfeiture action against approximately
23 \$13,400.00 in U.S. Currency seized from Michele Joanna Hilliard on
24 March 31, 2004 (hereinafter the "defendant currency") by the West El
25 Dorado County Narcotic Enforcement Team (WENET) on land in the Eastern
26 District of California. The currency was subsequently adopted for
27 forfeiture by the Drug Enforcement Administration (DEA) on April 30,
28 2004.

2. That a Complaint for Forfeiture In Rem was filed on or about December 9, 2004, seeking the forfeiture of the defendant currency, alleging that said currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

3. That on or about December 9, 2004, the Court issued a warrant of arrest in rem for the defendant currency, and that warrant was duly executed on December 10, 2004.

4. That on or about January 7, 2005, a Public Notice of Arrest of defendant currency appeared by publication in the Mountain Democrat, a newspaper of general circulation in the county in which the defendant currency was seized (El Dorado County). The Proof of Publication was filed with the Court on January 25, 2005.

5. That in addition to the Public Notice of Arrest having been completed, actual notice was served upon Potential Claimants Michele Joanna Hilliard and Daniel Lloyd Hilliard on or about December 16, 2004.

6. Neither Michele Joanna Hilliard nor Daniel Lloyd Hilliard have filed claims or answers in this matter. Michele Joanna Hilliard filed a claim with DEA to the defendant currency in the administrative forfeiture action. No other parties have filed claims or answers in this matter, and the time for which any person or entity may file a claim and answer has expired. Michele Joanna Hilliard represents and warrants that she is the sole owner of the defendant currency.

Based on the above findings, and the Court being otherwise fully advised in the premises, it is hereby

///

///

1 ORDERED AND ADJUDGED:

2 1. That the Court adopts the Stipulation for Final Judgment of
3 Forfeiture entered into by and between the parties to this action.

4 2. That judgment is hereby entered against Potential Claimants
5 Michele Joanna Hilliard and Daniel Lloyd Hilliard and all other
6 Potential Claimants who have not filed claims in this action.

7 3. That all right, title, and interest in \$8,040.00 of the
8 approximately \$13,400.00 in U.S. Currency, together with any interest
9 that may have accrued on that amount, is hereby forfeited to the
10 United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
11 according to law.

12 4. That \$5,360.00 of the approximately \$13,400.00 in U.S.
13 Currency, together with any interest that may have accrued on that
14 amount, shall be returned to Potential Claimants Michele Joanna
15 Hilliard and Daniel Lloyd Hilliard. Said payment shall be made no
16 later than 30 days after entry of this Final Judgment of Forfeiture.
17 The U.S. Marshals Service shall issue a check in the amount of
18 \$5,360.00, plus any accrued interest on that amount, made payable to
19 Michele Joanna Hilliard and send it to Richard J. Petersen, Esq., P.O.
20 Box 1526, 444 N. School Street, Ukiah, California 95482.

21 5. That plaintiff United States of America and its servants,
22 agents, and employees and all other public entities, their servants,
23 agents, and employees, are released from any and all liability arising
24 out of or in any way connected with the seizure or forfeiture of the
25 defendant currency. This is a full and final release applying to all
26 unknown and unanticipated injuries, and/or damages arising out of said
27

1 seizure or forfeiture, as well as to those now known or disclosed.
2 The parties waive the provisions of California Civil Code § 1542.

3 6. That Potential Claimants Michele Joanna Hilliard and Daniel
4 Lloyd Hilliard waive any and all claim or right to interest that may
5 have accrued on the approximately \$8,040.00 of the \$13,400.00 in U.S.
6 currency, or any portion thereof, seized on March 31, 2004.

7 7. Pursuant to the stipulation of the parties, and allegations
8 set forth in the Complaint for Forfeiture *In Rem* filed December 9,
9 2004, the Court finds that there was reasonable cause for the seizure
10 of defendant currency, and a Certificate of Reasonable Cause pursuant
11 to 28 U.S.C. § 2465 shall be entered accordingly.

12 8. That all parties are to bear their own costs and
13 attorneys' fees.

14 DATED: May 18, 2005

15 /s/ Garland E. Burrell, Jr.
16 GARLAND E. BURRELL, JR.
United States District Judge

17
18 CERTIFICATE OF REASONABLE CAUSE

19 Pursuant to the Stipulation for Final Judgment of Forfeiture
20 filed herein and the allegations set forth in the Complaint for
21 Forfeiture *In Rem* filed December 9, 2004, the Court enters this
22 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that
23 there was reasonable cause for seizure of defendant currency.

24 Dated: May 18, 2005

25 /s/ Garland E. Burrell, Jr.
26 GARLAND E. BURRELL, JR.
27 United States District Judge